

Respondent appeared before the Credentials Committee of the Board on February 24, 2003, and then testified under oath

concerning the events which occurred leading to his arrest and conviction. Respondent **admitted** in his testimony before the Board **that**, prior to his arrest and after **he** was released from his 12 month period of incarceration in 1994, he used illegal drugs, including cocaine and methamphetamine. He further testified that he had intermittent use of cocaine until February 1999 when coincident with his acceptance into **the** Physician Assistant Program at Beaver College (Arcadia University), he **ceased** using cocaine. Respondent testified that **he** had contact with a counselor at Beaver College who was a major influence in his recovery. **He** received his Physician Assistant **degree** in 2001.

Respondent enrolled in the Physicians' Health Program of the Medical Society of New Jersey (the "PHP") on October 31, 2002. Within the PHP position statement, it is noted that respondent completed 60 hours of a Drug Education Program and Alcoholics Anonymous in 1994. It is further noted that while respondent has been absolutely abstinent from all psychoactive substances since February 1999, unfortunately there was no urine monitoring during this period to document respondent's sobriety. Sine respondent enrolled in the PHP he has had twice-weekly urine screens with negative results for the presence of psychoactive substances. The PHP represented that respondent is a suitable candidate for licensure in New Jersey. The Board has determined that respondent Peter Petner, P.A. has rehabilitated himself and may

presently be licensed to practice as a **physician** assistant in New Jersey, notwithstanding his prior conviction. However, the Board concludes that as a condition of licensure, **respondent** will be required to participate in a monitoring program with **the** PHP.

The Board **being** satisfied that the public interest is adequately protected by the entry of the within Order, and that good cause exists for entry of the within Order,

IT IS ON THIS 17TH DAY OF APRIL, 2003,

ORDERED AND AGREED THAT:

1. Gary Petner, P.A. shall maintain absolute abstinence from all psychoactive substances and alcohol unless prescribed by a treating physician for a documented-medical condition and in the usual course of the treating physician's medical practice with notification to the Medical Director of the Physicians' Health Program.
2. Gary Petner, P.A. shall submit to weekly random urine monitoring under the auspices of the Physicians' Health Program for the first six months of licensure in New Jersey with future seduction commensurate with his state of recovery at the discretion of the Medical Director of the PHP with notice to the Medical Director of the Board.
3. Gary Petner, P.A. shall become knowledgeable about any and all foods or food additives or other products

which may confound the validity of urine screening and shall **refrain** from **ingesting** or otherwise using or **employing** any such product.

4. Gary **Petner**, P.A. shall comply with face-to-face visits with a representative of the Physicians' Health Program on a monthly basis for **the** first year of licensure and **then** at the discretion of **the** Medical Director of **the** PHP with notice to the Medical Director of the Board at a frequency consistent with his duration in recovery.

5. Gary Petner, P.A. shall be **responsible** to ensure that the Physicians' Health Program supplies quarterly reports to the Board regarding his progress. The **first** report shall be **filed** within one month of the execution of this Consent Order. An immediate (within 24 hours of awareness) report both orally and in writing, shall **be** made by *the* PEP to the Board of any information that Gary Petner, P.A. engaged in any violation of any laws regarding controlled dangerous substances or any positive urine screen or failure to **appear** for the urine monitoring. Further, Gary Petner, P.A. expressly waives any claim to privilege or confidentiality that he may have concerning the above outlined reports and disclosure by the PHP to the Board.

6. Gary Petner, P.A. hereby consents to the PHP reporting to the Board any indication of a slip, relapse, non-compliance with the recovery program or any use of psychoactive substances or alcohol unless prescribed by a treating physician. There is to be **immediate** notification, by name, to the Board's Executive Director and **Medical** Director. In the event, upon the Board's receipt of any information which the Board in its sole discretion deems reliable, that Gary Petner, P.A. has materially failed to **comply** with any of **the** conditions set forth above, or any report of a confirmed positive urine, or a prima facie showing of any abuse, possession or distribution of psychoactive substances, alcohol or CDS, Gary Petner, P.A. consents to the entry of an Order resulting in the immediate automatic temporary suspension of license. Said suspension is to be memorialized in a public State Board of Medical Examiners' Order.

7. Gary Petner, P.A. shall have the right to apply for removal of the automatic suspension on two (2) day's notice but in such event shall be limited to a showing that the urine tested was not his or was a false positive.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: William V. Harrer MD BLD
William V. Harrer, M.D., B.L.D.
President

I **have** read and understand
the within Consent **Order** and
agree to **be bound by its** terms.
Consent is **hereby** given to the
Board to enter this Order.

Gary Pether, P.A.
Gary Pether, P.A.

L. E. Baxter
Dr. Louis E. Baxter, M.D., F.A.S.A.M.
Executive Medical Director
Physicians' **Health** Program